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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/904,375      | 07/12/2001  | Bernard Bugnet       | 8-1033-055          | 3022             |

803 7590 07/23/2003

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EXAMINER

VO, HAI

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1771

DATE MAILED: 07/23/2003.

Please find below and/or attached an Office communication concerning this application or proceeding.

AS11

|                        |                                      |                                      |  |
|------------------------|--------------------------------------|--------------------------------------|--|
| <b>Advisory Action</b> | <b>Application No.</b><br>09/904,375 | <b>Applicant(s)</b><br>BUGNET ET AL. |  |
|                        | <b>Examiner</b><br>Hai Vo            | <b>Art Unit</b><br>1771              |  |

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 07 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 14-32.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Continuation of 5. does NOT place the application in condition for allowance because: The arguments that the polymerization of the monomer takes place from both sides are not commensurate in scope with the claims. Depositing a conductive polymer on surfaces of the opening of the base structure does not necessarily mean that the deposition of the conductive polymer must be taken place over the entire surface of the openings of the foam. However, JP'491 teaches that the polymerization of the monomer takes place from the both sides of the foam (example 1). Further Applicants argue that the MnO<sub>2</sub> stays on the foam followed by rising and drying in order to polymerize the monomer on the hidden lower face of the foam (page 9 of Applicant's amendment received on 07/09/2003). The arguments are not commensurate in scope with the claims. The claims are unspecific about the presence of the MnO<sub>2</sub> followed by the rising and drying step. Applicants need to be specific about the existence of the MnO<sub>2</sub> layer in the final structure of the complex porous material in order to overcome the finding of obviousness; i.e., the presence of the MnO<sub>2</sub> layer between the foam base structure and the conductive polymer. Finally, the arguments that there is no teaching in Free on how to use high porosity foam to make it conductive in combination with JP'49 are not found persuasive for patentability. First, the claims are not specific about the foam volume resistivity. Second, Free teaches an electrically conductive reticulated polyurethane foam having a porosity within the claimed range and long lasting and reliable electrical conductivity characteristics (column 3, line 34, column 1, lines 11-13), which is important to the invention of the JP'491. It is the examiner's position that the combination of Free with JP'491 is sufficient and proper.



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